IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA VALDOSTA DIVISION

LAWRENCE MOSLEY, DEVEN D. :
JOHNSON, DERRICK D. JAMES, JR., :
DEREK V. DAFFIN, :

.

Plaintiffs

•

VS.

)**.**

Sheriff ASHLEY PAULK, : NO. 7:06-cv-79 (HL)

.

Defendants

ORDER

Plaintiffs, **LAWRENCE MOSLEY, DEVEN D. JOHNSON, DERRICK D. JAMES, JR.**, and **DEREK V. DAFFIN**, inmates of the Lowndes County Jail in Valdosta, Georgia, have filed a joint *pro se* complaint under 42 U.S.C. § 1983, challenging the conditions of their confinement. Plaintiffs also each seek to proceed *in forma pauperis* (Tab #s 4-6).

As a preliminary matter, the Court notes that plaintiffs seek to bring the instant action as a class action. However, *pro se* prisoners unassisted by counsel may not represent their fellow inmates in a class action. *See Massimo v. Henderson*, 468 F.2d 1209, 1210 (5th Cir. 1972) (affirming dismissal of the portion of petitioner's complaint seeking relief on behalf of fellow inmates).

Moreover, the Prison Litigation Reform Act of 1995 (the "PLRA") requires that a prisoner bringing a civil action *in forma pauperis* pay the full filing fee. 28 U.S.C. § 1915(b). The Eleventh Circuit Court of Appeals has held that prisoners proceeding *in forma pauperis* are not allowed to join together as plaintiffs in a single lawsuit. Each prisoner is required to file his own lawsuit and pay the full amount of the filing fee. *Hubbard v. Haley*, 262 F.3d 1194 (11th Cir. 2001). Prisoners may

Case 7:06-cv-00079-HL-RLH Document 4 Filed 08/28/06 Page 2 of 2

not join claims and thus pro-rate a single filing fee. As the Eleventh Circuit in Hubbard noted,

requiring each plaintiff to pay the full filing fee is consistent with Congress's purpose of imposing

costs on prisoners to deter frivolous suits. *Id.* at 1197-98.

Applying this principle to the case at hand, plaintiffs' requests to proceed in forma pauperis

are hereby **DENIED** and this case is **DISMISSED**. Dismissal is without prejudice and plaintiffs

will be allowed to re-file their complaints separately, if they choose.

SO ORDERED, this 28th day of August, 2006.

s/ Hugh Lawson

HUGH LAWSON

UNITED STATES DISTRICT JUDGE

cr